

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

RACHEL BROWN, Individually as spouse  
and as Personal Representative of the  
Estate of James Brown; DINETTA  
SCOTT, as Mother of James Brown; and  
JAYLIAH BROWN, as Child of James  
Brown,

Plaintiffs,

v.

EP-14-CV-291-KC/MAT

COUNTY OF EL PASO, ex rel., EL PASO  
COUNTY JAIL, and Officers John Does 1-  
10,

Defendants.

**JOINT STIPULATION OF DISMISSAL**

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), Plaintiffs Rachel Brown, Individually as Spouse and as personal Representative of the Estate of James Brown; Dinetta Scott, as Mother of James Brown; and Jayliah Brown, as Child of James Brown, and Defendant County of El Paso, file this Joint Stipulation of Dismissal.

**I.**

**PROCEDURAL POSTURE AND SETTLEMENT AGREEMENT**

**PROCEDURAL POSTURE**

2. Plaintiff filed suit under Cause No. 2013DCV03057 in the 210<sup>th</sup> Judicial District Court in El Paso County. Defendants removed this matter to Federal Court under Cause No. EP-14-CV-0291-KC on July 31, 2014.
3. This case was set for jury trial to commence on September 25, 2015.

SETTLEMENT AGREEMENT

4. Plaintiffs Rachel Brown, Individually as Spouse and as personal Representative of the Estate of James Brown; Dinetta Scott, as Mother of James Brown; and Jayliah Brown, as Child of James Brown, and Defendant County of El Paso have entered into a settlement agreement and now jointly stipulate that all claims asserted in this cause shall be and hereby are dismissed with prejudice in accordance with the terms and conditions of such settlement agreement.

**II.**  
**JOINT STIPULATION**

5. Plaintiffs Rachel Brown, Individually as Spouse and as personal Representative of the Estate of James Brown; Dinetta Scott, as Mother of James Brown; and Jayliah Brown, as Child of James Brown, and Defendant County of El Paso, jointly stipulate as follows:

- A. All of Plaintiff's claims shall be and hereby are dismissed with prejudice.
- B. This case is not a class action.
- C. A receiver has not been appointed in this action.
- D. This case is not governed by any federal statute that requires an order of the court for dismissal of the case.
- E. Plaintiffs Rachel Brown, Individually as Spouse and as personal Representative of the Estate of James Brown; Dinetta Scott, as Mother of James Brown; and Jayliah Brown, as Child of James Brown, has not previously dismissed an action based on or including the same claims as those presented in this suit.
- F. All costs of court and attorney's fees shall be paid by the party incurring same.

G. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and Kokkonen v. Guardian Life Insur. Co. of America, 511 U.S. 375 (1994), the United States District Court for the Western District of Texas, El Paso Division, shall have and retain supplemental and/or ancillary jurisdiction for purposes of enforcing the settlement agreement between and among the parties, as this settlement agreement will affect the disposition of the underlying suit and enforcement of this settlement agreement will enable the Court to function effectively, manage its proceedings, vindicate its authority, and effectuate its decrees.

H. All of the matters set forth above shall be deemed to be just and proper.

Respectfully submitted,

Date: July 23, 2015

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm  
P.O. Box 25186  
Albuquerque, NM 87125-0186  
(505) 217-2680  
Texas State Bar No.: 790349

AND

JO ANNE BERNAL  
EL PASO COUNTY ATTORNEY  
500 East San Antonio, Room 503  
El Paso, Texas 79901  
Bus: (915) 546-2050  
Fax: (915) 546-2133

Date: July 23, 2015

RUBEN DUARTE  
RUBEN DUARTE  
Assistant County Attorney  
Texas State Bar No. 24002017  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I, do hereby certify that I have electronically submitted for filing a true and correct copy of the above and foregoing instrument in accordance with the Electronic Case Files System of the Western District of Texas, and that a true and correct copy of the foregoing instrument has been sent via the ECF system to all counsel listed of record, on this 23<sup>rd</sup> day of July, 2015.

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm

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COUNTY OF EL PASO, ex rel., EL PASO  
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10,

Defendants.

**ORDER ON JOINT STIPULATION OF DISMISSAL**

On this date came on to be considered the Joint Stipulation of Dismissal filed Plaintiffs Rachel Brown, Individually as Spouse and as personal Representative of the Estate of James Brown; Dinetta Scott, as Mother of James Brown; and Jayliah Brown, as Child of James Brown, and Defendant County of El Paso, file this Joint Stipulation of Dismissal. Having carefully considered the Joint Stipulation and related pleadings, as well as any arguments of counsel and/or competent evidence, the Court finds that all matters and claims in dispute in this case have been fully and finally compromised and settled. The parties Joint Stipulation is thus well taken. Accordingly, the Court is of the opinion that, pursuant to the terms of the Joint Stipulation, this case should be dismissed with prejudice.

Accordingly, IT IS ORDERED, ADJUDGED, and DECREED as follows:

A. All of Plaintiff's claims shall be and hereby are dismissed with prejudice.

B. All costs of court and attorney's fees shall be paid by the party incurring same.

C. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and Kokkonen v. Guardian Life Insur. Co. of America, 511 U.S. 375 (1994), the United States District Court for the Western District of Texas, El Paso Division, shall have and retain supplemental and/or ancillary jurisdiction for purposes of enforcing the settlement agreement between and among the parties, as this settlement agreement will affect the disposition of the underlying suit and enforcement of this settlement agreement will enable the Court to function effectively, manage its proceedings, vindicate its authority, and effectuate its decrees.

D. All of the matters set forth above are deemed to be just and proper.

All relief not expressly granted herein is denied. This is a final order.

SIGNED and ENTERED this \_\_\_\_\_ day of July, 2015.

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MIGUEL A. TORRES  
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm  
Attorney for Plaintiffs

/s/ Ruben Duarte  
Ruben Duarte  
Assistant County Attorney  
Attorney for COUNTY OF EL PASO